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Philippines: draft resolution

Trafficking in women and girls

The General Assembly,

Reiterating its strong condemnation of trafficking in persons, especially women and children, which constitutes a serious threat to human dignity, human rights and development,

Recalling all international conventions that deal specifically with and address issues relevant to the problem of trafficking in women and girls, such as the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[2] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Optional Protocol thereto,[5] the Convention on the Rights of the Child[6] and the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[7] and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,[8] as well as relevant resolutions of the General Assembly, the Economic and Social Council and its functional commissions and the Human Rights Council on the issue,

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2237, No. 39574.
[3] Ibid., vol. 2241, No. 39574.
[4] Ibid., vol. 1249, No. 20378.
[5] Ibid., vol. 2131, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] Ibid., vol. 2171, No. 27531.
[8] Ibid., vol. 96, No. 1342.

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Recognizing the crucial importance of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which entered into force on 25 December 2003 and provided for the first time an internationally agreed definition of the crime of trafficking in persons, aimed at the prevention of trafficking in persons, the protection of its victims and the prosecution of its perpetrators,

Reaffirming the provisions pertaining to trafficking in women and girls contained in the outcome documents of relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained in the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women,[9]

Reaffirming also the commitment made by world leaders at the Millennium Summit, the 2005 World Summit and the high-level plenary meeting of the General Assembly on the Millennium Development Goals to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons to counter the demand for trafficked victims and to protect the victims,

Welcoming in particular the efforts of States, United Nations bodies and agencies, and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including the United Nations Global Plan of Action to Combat Trafficking in Persons adopted by the General Assembly in its resolution 64/293 of 30 July 2010,

Welcoming the adoption by the International Labour Conference, at its 103rd session, on 11 June 2014, of the Protocol to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization, which specifies that measures to be taken for the prevention of forced or compulsory labour shall include specific action against trafficking in persons for the purposes of forced or compulsory labour,

Welcoming also the agreed conclusions adopted by the Commission on the Status of Women at its fifty-eighth session,[10] in which the Commission urged governments at all levels, relevant United Nations entities and international and regional organizations and invited national human rights institutions where they exist, civil society, including non-governmental organizations, the private sector, employer organizations, trade unions, the media and other relevant actors, as applicable, to take appropriate measures to raise public awareness of the issue of trafficking in persons, particularly women and girls, including the factors that make women and girls vulnerable to trafficking, to discourage, with a view to eliminating, the demand that fosters all forms of exploitation, including sexual exploitation and forced labour, and to review and adopt laws, regulations and penalties necessary to deal with this issue and publicize them to emphasize that trafficking is a serious crime,

Welcoming further the observance of the first World Day against Trafficking in Persons, on 30 July 2014,

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[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[10] See *Official Records of the Economic and Social Council, 2014, Supplement No. 7* (E/2014/27), chap. I, sect. A.

Noting with appreciation the steps taken, including the reports of human rights treaty bodies and the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, the Special Rapporteur of the Council on violence against women, its causes and consequences, the Special Representative of the Secretary-General on Violence against Children, the Special Rapporteur of the Council on the sale of children, child prostitution and child pornography and the Special Rapporteur of the Council on contemporary forms of slavery, including its causes and consequences, and by United Nations agencies and other concerned intergovernmental and governmental organizations, within their existing mandates, as well as civil society, to address the serious crime of trafficking in persons, and encouraging them to continue doing so and to share their knowledge and best practices as widely as possible,

Noting the renewal of the mandate of the Special Rapporteur on trafficking in persons,[11] especially women and children, and the fact that part of her task is to integrate a gender- and age-specific perspective throughout the work of her mandate, inter alia, through the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons,

Acknowledging the inclusion of gender related crimes in the Rome Statute of the International Criminal Court,[12] which entered into force on 1 July 2002,

Bearing in mind that all States have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons, and to rescue victims as well as provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

Seriously concerned that an increasing number of women and girls are being trafficked, including to developed countries, as well as within and between regions and States, and that men and boys are also victims of trafficking, including for sexual exploitation,

Recognizing that certain efforts against trafficking in persons lack the gender and age sensitivity needed to address effectively the situation of women and girls, who are particularly vulnerable to trafficking for the purposes of sexual exploitation, forced labour, services and other forms of exploitation, thus highlighting the need to incorporate a gender- and age-sensitive approach into all anti-trafficking efforts,

Recognizing also the need to address the impact of globalization on the particular problem of trafficking in women and children, in particular girls,

Recognizing further that poverty, unemployment, lack of socioeconomic opportunities, gender based violence, discrimination and marginalization are some of the contributing factors that make persons vulnerable to trafficking,

Recognizing the heightened vulnerability of women and girls in humanitarian situations, including in conflict and post-conflict environments, natural disasters and other emergency environments, to trafficking,

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[11] See Human Rights Council resolution 26/8.

[12] United Nations, *Treaty Series*, vol. 2187, No. 38544.

Recognizing also the need to reinforce efforts regarding the provision of relevant documents, such as birth registration documents, in order to lower the risk of being trafficked and to help to identify victims of trafficking in persons,

Recognizing further that, despite the progress made, challenges to preventing and combating trafficking in women and girls remain and that further efforts should be made to adopt adequate legislation and programmes to implement it and to continue improving the collection of reliable data disaggregated by sex and age and statistics that would allow proper analysis of the nature, extent and risk factors of trafficking in women and girls,

Recognizing the importance of exploring the link between migration and trafficking in persons in order to further efforts to protect women migrant workers from violence, discrimination, exploitation and abuse,

Concerned about the use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others, for trafficking in women as brides, for exploiting women and children and for child pornography, paedophilia and any other forms of sexual exploitation of children,

Concerned also about the increasing activities of transnational criminal organizations and others that profit from international trafficking in persons, especially women and children, without regard to dangerous and inhuman conditions and in flagrant violation of national laws and international standards,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, disability, culture and religion, as well as their origin, and that those forms of discrimination themselves may fuel trafficking in persons,

Noting that some of the demand for prostitution and forced labour is met by trafficking in persons in some parts of the world,

Acknowledging that women and girl victims of trafficking, on account of their gender, are further disadvantaged and marginalized by a general lack of information on or awareness and recognition of their human rights and by the stigmatization often associated with trafficking, as well as by the obstacles they meet in gaining access to accurate information and recourse mechanisms in cases of violation of their rights, and that special measures are required for their protection and to increase their awareness,

Encouraging the Commission on the Status of Women at its fifty ninth session to consider the issue of trafficking in women and girls within the framework of the theme for 2015 on the review of progress made in the implementation of the Beijing Declaration and Platform for Action and on opportunities for achieving gender equality and the empowerment of women in the post-2015 development agenda

Reaffirming the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on best practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Reaffirming also that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, especially women and children, demand the strong political commitment, coordinated and coherent efforts and active cooperation of all Governments of countries of origin, transit and destination,

Recognizing that policies and programmes for prevention, protection, rehabilitation, repatriation and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Convinced of the need to protect and assist all victims of trafficking, with full respect for the human rights of the victims,

1. *Takes note with appreciation* of the report of the Secretary-General,[13] which provides information on measures by States and activities within the United Nations system to tackle trafficking in women and girls;

2. *Expresses its appreciation* to Member States and United Nations entities that have submitted information on measures and activities undertaken to tackle trafficking in women and girls, and urges Member States and United Nations entities that have not done so to submit the requested information;

3. *Takes note with appreciation* of the reports of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, which focus on trafficking in persons for the removal of organs[14] and on challenges in developing rights-based responses to trafficking,[15] including clarifying the parameters of international legal definitions, addressing the root causes of trafficking and identifying ways in which the mandate can further contribute to the global movement against trafficking;

4. *Urges* Member States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime[1] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[2] taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

5. *Urges* Member States to consider signing and ratifying and States parties to implement the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Optional Protocol thereto,[5] the Convention on the Rights of the Child[6] and the Optional Protocols thereto,[16] and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[17] as well as the Forced Labour Convention, 1930 (No. 29)[18] and the Protocol thereto,

[13] A/69/224.
[14] A/68/256.
[15] A/HRC/26/37.
[16] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.
[17] United Nations, *Treaty Series*, vol. 2220, No. 39481.
[18] Ibid., vol. 39, No. 612.

the Labour Inspection Convention, 1947 (No. 81),[19] the Migration for Employment Convention (Revised), 1949 (No. 97),[20] the Discrimination (Employment and Occupation) Convention, 1958 (No. 111),[21] the Minimum Age Convention, 1973 (No. 138),[22] the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143),[23] the Private Employment Agencies Convention, 1997 (No. 181),[24] the Worst Forms of Child Labour Convention, 1999 (No. 182),[25] and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization;

6. *Urges* Member States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to fully and effectively implement the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons[26] and the activities outlined therein;

7. *Welcomes* the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the particular problem of trafficking in women and girls, and encourages them to further enhance their efforts and cooperation, including by sharing their knowledge, technical expertise and best practices as widely as possible;

8. *Encourages* the United Nations system to mainstream, as appropriate, the issue of trafficking in persons, especially women and girls, into its broader policies and programmes aimed at addressing economic and social development, human rights, the rule of law, good governance, education, health and natural disaster and post-conflict reconstruction;

9. *Welcomes* the focus given by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to ending violence against women and to increasing women's access to economic opportunities, as well as its work on building effective partnerships for the empowerment of women, which will contribute to the efforts to combat trafficking in persons;

10. *Calls upon* Governments to intensify their efforts to address, with a view to eliminating, the demand that fosters the trafficking of women and girls for all forms of exploitation and in this regard to put in place or enhance preventive measures, including legislative measures and the imposition of appropriate sanctions, to deter exploiters of trafficked persons, as well as ensure their accountability;

11. *Also calls upon* Governments to strengthen measures aimed at empowering women and girls by, inter alia, enhancing their participation in society, including through education and skills training, and to take further appropriate measures to address the increasing rate of homelessness of and inadequate housing for women in order to reduce their vulnerability to being trafficked;

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[19] Ibid., vol. 54, No. 792.
[20] Ibid., vol. 120, No. 1616.
[21] Ibid., vol. 362, No. 5181.
[22] Ibid., vol. 1015, No. 14862.
[23] Ibid., vol. 1120, No. 17426.
[24] Ibid., vol. 2115, No. 36794.
[25] Ibid., vol. 2133, No. 37245.
[26] Resolution 64/293.

12. *Further calls upon* Governments to take appropriate measures to address the factors that increase vulnerability to being trafficked, including poverty and gender inequality, as well as other factors that encourage the particular problem of trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage, forced labour and organ removal, in order to prevent and eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, including public officials engaging in or facilitating human trafficking, through, as appropriate, criminal and/or civil measures;

13. *Calls upon* Governments, the international community and all other organizations and entities that deal with conflict, post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and girls to trafficking and exploitation and associated gender-based violence and to include the prevention of the trafficking of such women and girls in all national, regional and international initiatives;

14. *Urges* Governments to devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking in women and girls, including for sexual and economic exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national action plans in this regard;

15. *Also urges* Governments to ensure that the prevention of and responses to trafficking continue to take into account the specific needs of women and girls, especially in addressing specific forms of exploitation, such as sexual exploitation and domestic servitude;

16. *Further urges* Governments, in cooperation with intergovernmental and non-governmental organizations, to support and allocate resources to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on gender equality, self-respect and mutual respect, and campaigns, carried out in collaboration with civil society, to increase public awareness of the issue at the national and grass-roots levels, including awareness-raising campaigns targeting groups that are at increased risk of becoming victims of trafficking;

17. *Reiterates* the importance of continued coordination among, inter alia, the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, the Special Rapporteur of the Council on the sale of children, child prostitution and child pornography and the Special Rapporteur of the Council on contemporary forms of slavery, including its causes and consequences, in order to avoid unnecessary duplication in their activities in fulfilment of their mandates;

18. *Urges* Governments to strengthen measures to eliminate sex tourism demand, especially for children, through all possible preventive actions, including legislative measures;

19. *Also urges* Governments to develop educational and training programmes and policies and to consider, as appropriate, enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

20. *Encourages* Member States to set up or strengthen national programmes and to engage in bilateral, subregional, regional and international cooperation, including by forging regional initiatives or plans of action,[27] to address the problem of trafficking in persons through, inter alia, the enhancement of information-sharing, data disaggregated by sex and age, specific data collection and other technical capacities, and mutual legal assistance, as well as the combating of corruption and laundering of proceeds derived from trafficking, including for purposes of commercial sexual exploitation, and to ensure, as appropriate, that such agreements and initiatives are particularly responsive to the problem of trafficking as it affects women and girls;

21. *Calls upon* all Governments to criminalize all forms of trafficking in persons, recognizing its increasing occurrence for purposes of sexual exploitation, commercial sexual exploitation and abuse, sex tourism and forced labour, and to bring to justice and punish the offenders and intermediaries involved, including public officials involved with trafficking in persons, whether local or foreign, through the competent national authorities, either in the country of origin of the offender or in the country in which the abuse occurs, in accordance with due process of law, as well as to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

22. *Urges* Governments to take all appropriate measures to ensure that victims of trafficking are not penalized or prosecuted for acts committed as a direct result of being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, and encourages Governments to prevent, within their legal framework and in accordance with national policies, victims of trafficking in persons from being prosecuted for their illegal entry or residence;

23. *Invites* Governments to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, as appropriate, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in trafficking in persons, especially women and girls, and to include data on victims of trafficking disaggregated by sex and age;

24. *Encourages* Governments and relevant United Nations bodies, from within existing resources, to take appropriate measures to raise public awareness of the issue of trafficking in persons, particularly women and girls, including the factors that make women and girls vulnerable to trafficking, to discourage, with a view to eliminating, the demand that fosters all forms of exploitation, including

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[27] Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Coordinated Mekong Ministerial Initiative against Trafficking, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children (see A/C.3/55/3, annex), the initiatives of the European Union on a comprehensive European policy and programmes on trafficking in human beings, as expressed most recently in the European Union plan on best practices, standards and procedures for combating and preventing trafficking in human beings, adopted in December 2005, the activities of the Council of Europe and the Organization for Security and Cooperation in Europe, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Organization of American States Meeting of National Authorities on Trafficking in Persons, and the activities of the International Labour Organization and the International Organization for Migration in this field.

sexual exploitation and forced labour, to publicize the laws, regulations and penalties relating to this issue and emphasize that trafficking is a serious crime;

25. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide access to appropriate programmes for the physical, psychological and social recovery of victims of trafficking, including through job training, legal assistance in a language that they can understand and health care, including for HIV/AIDS, and by taking measures to cooperate with intergovernmental and non-governmental organizations to provide for the social, medical and psychological care of the victims;

26. *Encourages* Governments, in cooperation with intergovernmental and civil society organizations, to undertake or strengthen campaigns aimed at clarifying opportunities, limitations, rights and responsibilities with respect to migration, as well as information on the risks of irregular migration and the ways and means used by traffickers, so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

27. *Also encourages* Governments to review and strengthen, as appropriate, the enforcement of relevant labour and other laws within their territories or jurisdictions that are aimed at, or have the effect of, requiring business enterprises, including recruitment agencies, to prevent and combat human trafficking in supply chains, and to periodically assess the adequacy of such laws and address any gaps;

28. *Invites* the business sector to consider the adoption of ethical codes of conduct to ensure decent work and to prevent any form of exploitative practices that foster trafficking;

29. *Encourages* Governments to intensify collaboration with non-governmental organizations to develop and implement gender- and age-sensitive programmes for effective counselling, training and reintegration into society of victims of trafficking and programmes that provide shelter and helplines to victims or potential victims;

30. *Urges* Governments to provide or strengthen training for, and to raise awareness among, law enforcement, judicial, immigration and other relevant officials on the prevention and combating of trafficking in persons, including the sexual exploitation of women and girls, and in this regard calls upon Governments to ensure that the treatment of victims of trafficking, especially by law enforcement officials, immigration officers, consular officials, social workers and other first response officials, is conducted with full respect for the human rights of those victims and with gender and age sensitivity and observes the principles of non-discrimination, including the prohibition of racial discrimination;

31. *Invites* Governments to take steps to ensure that criminal justice procedures and witness protection programmes are sensitive to the particular situation of trafficked women and girls and that they are supported and assisted, as appropriate, in making complaints to the police or other authorities without fear and being available when required by the criminal justice system, and to ensure that during this time they have access to gender- and age-sensitive protection and, as appropriate, social, medical, financial and legal assistance, including the possibility of obtaining compensation for damages suffered;

32. *Also invites* Governments to intensify efforts aimed at the speedy disposition of cases of trafficking in persons and, in cooperation with, inter alia,

intergovernmental and non-governmental organizations, to devise, enforce and strengthen systems and mechanisms for combating trafficking in persons;

33. *Further invites* Governments to encourage media providers, including Internet service providers, to adopt or strengthen self-regulatory measures to promote the responsible use of media, particularly the Internet, with a view to eliminating the exploitation of women and children, in particular girls, which could foster trafficking;

34. *Invites* the business sector, in particular the tourism, travel and telecommunications industries, relevant recruitment agencies and mass media organizations, to cooperate with Governments in eliminating trafficking in women and children, in particular girls, including through the dissemination by the media of information regarding the dangers of trafficking, the means used by traffickers, the rights of trafficked persons and the services available to victims of trafficking;

35. *Stresses* the need for the systematic collection of data disaggregated by sex and age and comprehensive studies at both the national and the international levels and the development of common methodologies and internationally defined indicators to make it possible to develop relevant and comparable figures, and encourages Governments to enhance information-sharing and data-collection capacity as a way of promoting cooperation to combat the trafficking problem;

36. *Invites* Governments, United Nations bodies, agencies and special mechanisms, intergovernmental and non-governmental organizations and the private sector to undertake collaborative and joint research and studies on trafficking in women and girls that can serve as a basis for policy formulation or change;

37. *Invites* Governments, with the support of the United Nations, when necessary, and other intergovernmental organizations, taking into account best practices, to formulate training manuals and other informational materials and provide training for law enforcement, judicial and other relevant officers, and medical and support personnel, with a view to sensitizing them to the special needs of women and girl victims;

38. *Encourages* Governments and relevant intergovernmental bodies and international organizations to ensure that military, peacekeeping and humanitarian personnel deployed in conflict, post-conflict and other emergency situations are provided with training on conduct that does not promote, facilitate or exploit trafficking in women and girls, including for sexual exploitation, and to raise the awareness of such personnel of the potential risks to victims of conflict and other emergency situations, including natural disasters, of being trafficked;

39. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenants on Human Rights[28] to include information and disaggregated statistics on trafficking in women and girls as part of their national reports to their respective committees and to work towards developing a common methodology and statistics to obtain comparable data;

[28] Resolution 2200 A (XXI), annex.

40. *Invites* States to continue to contribute to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

41. *Requests* the Secretary-General to submit to the General Assembly at its seventy-first session a report that compiles information on successful interventions and strategies, as well as the gaps, in addressing the gender dimensions of the problem of trafficking in persons and provides recommendations on the strengthening of human rights-based, gender- and age-sensitive approaches within comprehensive and balanced efforts to address trafficking in persons.